

NOTICE OF CLASS ACTION SETTLEMENT

Date of Notice: October 19, 2007

On August 29, 2006 Gayle Benally, as representative plaintiff, filed a class action lawsuit against the Utah Division of Occupational and Professional Licensing ("DOPL"), an agency of the Utah Department of Commerce and the State of Utah. The lawsuit was filed in the Fourth Judicial District Court, Utah County, State of Utah as Case No. 060102387. The lawsuit claimed that since approximately July 1, 2003 DOPL had been charging an \$80 fee ("prelitigation fee") to persons who wished to participate in the prelitigation panel hearing process that is required before a person can begin a health care malpractice action in Utah. The lawsuit claimed that Utah law did not allow DOPL to charge this prelitigation fee, and asked for refund of that fee, along with interest and attorney fees.

As a result of a settlement of that lawsuit DOPL has agreed to pay \$50 in restitution to each class member who timely submits a claim under the settlement. An award of attorney fees to the attorneys for the class is included in the settlement. The settlement is a compromise of a disputed claim, and DOPL does not admit the validity of any of the claims made in the lawsuit.

The class of persons who are entitled to such a restitution payment consists of the following persons who on or after July 1, 2003 paid the prelitigation fee to DOPL: (a) the representative plaintiff, Gayle Benally; (b) all individuals who paid the prelitigation fee on their own behalf ; (c) all lawyers or law firms who paid the prelitigation fee on behalf of a client, or any individual clients of such lawyers or law firms who reimbursed their lawyers or law firms for the prelitigation fee paid on their behalf. Any dispute between clients and attorneys shall be resolved with one payment from DOPL being paid to either the client or the lawyer/law firm. DOPL shall have no responsibility to pay the \$50 payment amount twice.

In order to receive the \$50 payment from DOPL, each class member must submit a written claim for restitution to Adele Bancroft, DOPL's Prelitigation Coordinator, at P.O. Box 146741, Salt Lake City, Utah 84114-6741, in time to be received by DOPL no later than 120 days after the publication date of this settlement notice in the newspaper. It is necessary to use the official claim form that has been prepared as part of the settlement. The claim form must be fully completed and signed by the claimant, and any documents required by the form must be attached.

You may have received in the mail from DOPL a separate notice of this class action settlement. If so, you should use the claim form which was included with that notice. If you did receive such a notice, your deadline for submitting the claim for restitution is 120 days after the date of that mailed notice, or 120 days after the publication date of this settlement notice in the newspaper, whichever comes last.

If you did not receive a claim form in the mail, you may request one in writing from Adele Bancroft, DOPL's Prelitigation Coordinator, at the address given above.

The Prelitigation Coordinator will review each timely submitted claim and will determine if the claimant is a member of the class. If the claimant is a member of the class, the Prelitigation Coordinator shall cause a restitution check in the amount of \$50 to be issued to the claimant. If the Prelitigation Coordinator determines that a person submitting a claim is not entitled to a payment, she will inform the person in writing that the claim has been denied. Persons whose claims have been denied are entitled to have a further administrative review of their claim, and if they are dissatisfied with the decision on administrative review they are entitled to a review by the court. Persons whose claims are denied will be given written instructions on how to request such a further review.

Any class member who wishes to be excluded from the class and not participate in the settlement may request exclusion within 120 days after the date this notice was published in the newspaper (or, if applicable, within 120 days after the date the notice was mailed to the class member, whichever is later). Any person who wishes to request exclusion from the class must file that request in writing with the court and mail a copy of the request to the attorney for the plaintiffs and the attorney for the defendants. The address of the court, and the names and addresses of the attorneys for the plaintiffs and for the defendants are set forth at the end of this notice. The request for exclusion must include the case number, which is 060102387.

All class members who do not request exclusion will be bound by the court order approving the settlement. Any class member who does not request exclusion may, if they choose, enter an appearance through separate counsel.

Address of the court: 125 North 100 West, Provo, UT 84601.

Name and address of the attorneys for the plaintiffs: Mark Flickinger, Flickinger and Sutterfield, P.C., 300 Esquire Building, 3000 N. University Avenue, Provo, UT 84604.

Name and address of the attorneys for the defendants: Dan Lau, Assistant Utah Attorney General, P. O. Box 140872, Salt Lake City, UT 84114-0872.